

SUPERIOR COURT
MENTAL PROCEEDINGS RULES (MPR)

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INTRODUCTION

The following rules have been designed and promulgated to give full force and effect to Laws of 1973, 1st Ex. Sess., ch. 142. Any future amendments which may be enacted will be dealt with in rules as the need may arise.

Section 62 of the act directs the Supreme Court to adopt rules with respect to court procedures and proceedings. Adoption of these rules is not to be construed as approval of what could be a breach of the separation of powers of government. While the Legislature may recommend rulemaking as to

particular matters, it may not mandate rulemaking which is an inherent power of the judicial branch.

Although the courts generally do not pass upon the wisdom or the workability of statutes, they are concerned with their constitutionality. The adoption of these rules, which are merely designed to give effect to the statute as it is written, does not in any manner indicate an opinion of the court that the statute is or is not constitutional in any respect. In promulgating them, the court does not in any manner obviate further consideration of any portion of the statute or these rules in a proper case.

Because of the complicated nature of the statute necessitating these rules and the need that they be effective January 1, 1974, the court has promulgated them without submitting them for comment, and now invites comment from the bench and bar.

RULE 1.1
NOTICE--GENERAL

Whenever any notice or document pursuant to the provisions of RCW 71.05 is required to be served on a person who is detained or committed, such notice or document shall be provided to the person's attorney, guardian, if any, and, if the person is under 18 years of age, to any person, entity, or institution having actual custody, in addition to any other person provided by statute.

(a) Notice to Prosecutor. In any judicial proceeding under RCW 71.05 for involuntary commitment or detention in which the prosecuting attorney is required to represent a party (see RCW 71.05.130), the prosecuting attorney for the county in which the proceeding is initiated shall be served with written notice of the proceedings and copies of the initiating papers by the party initiating the proceedings.

(b) Notice to Attorney General. In any judicial proceeding under RCW 71.05 for involuntary commitment or detention in which the Attorney General is required to represent a party (see RCW 71.05.130), the Attorney General shall be served with written notice of the proceedings and copies of the initiating papers by the party initiating the proceedings.

(c) Notice of Release. Whenever a person committed or detained under RCW 71.05 is released or conditionally released, the court ordering such commitment shall be notified immediately in writing of the release by the superintendent or professional person in charge of the facility from which the person is released.

RULE 1.2
CONTINUANCE OR POSTPONEMENT

In any judicial proceeding for involuntary commitment or detention held pursuant to RCW 71.05 the court may continue or postpone such proceeding for a reasonable time, subject to RCW 71.05.210 and RCW 71.05.240, on the following grounds:

- (a) On motion of the respondent if there is a showing of good cause;
- (b) On motion of the prosecuting attorney or the Attorney General if:
 - (1) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or
 - (2) Required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of respondent's case.
- (c) The court on its own motion may continue the case when required in the due administration of justice and when the respondent will not be substantially prejudiced in the presentation of his case.

An order granting continuance shall state whether detention will be extended and the grounds therefor.

RULE 1.3

CONFIDENTIALITY OF PROCEEDINGS

Proceedings had pursuant to RCW 71.05 shall not be open to the public, unless the person who is the subject of the proceedings or his attorney files with the court a written request that the proceedings be public. The court in its discretion may permit a limited number of persons to observe the proceedings as a part of a training program of a facility devoted to the healing arts or of an accredited educational institution within the state.

RULE 1.4
ALTERNATIVE LESS RESTRICTIVE TREATMENT

(a) As an alternative to detention, where the court makes a finding or a special verdict is returned that the respondent should receive less restrictive alternative treatment, the court may order such less restrictive alternative treatment for no longer than the period for which the respondent could have been committed at the hearing.

(b) If the court orders less restrictive alternative treatment, the order shall specify the terms and conditions of the alternative treatment and a copy shall be delivered to the respondent.

(c) If the conditions of the alternative treatment are not adhered to, the designated mental health professional may order the respondent apprehended according to the procedure defined by rules 4.1 through 4.5.

RULE 2.1
SUMMONS

The summons issued pursuant to RCW 71.05.150 shall include the following:

(a) The date and time for appearance, not less than 24 hours from the time at which the summons is served, at an evaluation and treatment facility.

(b) The address of the evaluation and treatment facility.

(c) The business address and business telephone number of the designated mental health professional.

(d) A statement that the person summoned may be detained at the evaluation and treatment facility for up to 72 hours excluding Saturdays, Sundays, and holidays.

(e) A statement whether the 72-hour evaluation period is on outpatient or inpatient status.

(f) A statement that if the person summoned fails to appear at the evaluation and treatment facility on or before the date and time indicated, he may be taken into custody.

(g) A statement that an attorney will be appointed for the person summoned unless the person has retained his own attorney.

(h) The name, business address and business telephone number of the designated attorney.

(i) The summons shall be in substantially the following form:

THE STATE OF WASHINGTON TO (name of person to be detained):

It is alleged that because of mental disorder you present a likelihood of serious harm to yourself, other persons, or the property of other persons, or are gravely disabled.

You are hereby required to appear in person at (address of evaluation and treatment facility) in (city), Washington, on or before (hour) on (month, day, year) for evaluation and possible treatment. You may be detained without court order for evaluation and possible treatment for not more than 72 hours, not including Saturdays, Sundays, or holidays. If you fail to appear in person on or before the date stated above, you may be taken into custody.

You have the right to have an attorney. (Name, address, telephone number) will be appointed as your attorney unless you make arrangements to be represented by another attorney.

Dated this _____ day of _____, 19____.

(Signed) _____
Mental Health Professional
(name) County, Washington

Address: _____
Telephone: _____

RULE 2.2
AUTHORIZATION AND NOTICE OF DETENTION

At the time when any person is taken into custody or as soon as possible thereafter pursuant to RCW 71.05.150(1)(d) or RCW 71.05.150(2) regardless of whether a summons has been issued pursuant to rule 2.1 written authorization to do so shall be served upon such person. A copy of the authorization and a notice of detention shall be filed with the court. The authorization and notice of detention shall include:

- (a) The name of the person to be taken into custody.
- (b) A statement that the person authorized to take custody is authorized pursuant to RCW 71.05.150(1)(d) or RCW 71.05.150(2).
- (c) A statement that the person is to be taken into custody for the purpose of delivering that person to an evaluation and treatment facility for a period of up to 72 hours excluding Saturdays, Sundays, and holidays. The 72-hour period begins when the evaluation and treatment facility provisionally accepts the person as provided in RCW 71.05.170.
- (d) A statement specifying the name and location of the evaluation and treatment facility where such person will be detained.
- (e) The authorization and notice of detention shall be in substantially the following form:

TO: ANY PEACE OFFICER OR MENTAL HEALTH PROFESSIONAL
(Name of person) _____ has failed to appear in response to summons issued by me pursuant to RCW 71.05.150 a copy of which is attached, or _____ as a result of mental disorder:

- _____ presents an imminent likelihood of serious harm to him/herself
- _____ presents an imminent likelihood of serious harm to others
- _____ presents an imminent likelihood of serious harm to the property of others
- _____ is in imminent danger because he/she is gravely disabled

You are notified to take or to cause such person to be taken into custody forthwith and placed in (name and location of evaluation and treatment facility) for evaluation and treatment for not more than 72 hours, or for such additional time as a court may order. The 72-hour period begins when the person is provisionally accepted at the evaluation and treatment facility and excludes Saturdays, Sundays, and holidays.

Dated: _____ (signed) _____
Mental Health Professional
(name) County, Washington

Respondent has been detained in (name and location of evaluation and treatment facility).

Dated: _____ Time: _____
(signed) _____
Peace Officer or _____ Mental
Health Professional, (name) County,
Washington

RULE 2.2A
NOTICE OF EMERGENCY DETENTION

The notice of emergency detention required to be filed with the court and served upon the designated attorney of the detained person pursuant to RCW 71.05.160 shall include a statement specifying the name and location of the evaluation and treatment facility where the person taken into custody has been detained.

The notice of emergency detention shall be in substantially the following form:

(Respondent) has been detained in (name of evaluation and treatment facility).

Dated: _____ Time of provisional acceptance: _____
(signed) _____
Mental Health Professional
(name) County, Washington

RULE 2.3
RIGHT TO COPY COURT FILES

Prior to and at the hearing provided for in RCW 71.05.200, 71.05.240, and 71.05.250, the attorney for any detained person who will be a respondent at such hearing shall be permitted to view and copy all documents relating to the detained person which have been filed with the court.

RULE 2.4
PROBABLE CAUSE HEARING

(a) Notice. If notice to the court and the prosecuting attorney of the probable cause hearing as required by RCW 71.05.150(1)(c) includes the date and time of the provisional acceptance of any person involuntarily detained, no additional notice to the court shall be required pursuant to RCW 71.05.170.

(b) Procedure.

(1) The probable cause hearing provided in RCW 71.05.200(1) shall be held in accordance with the provisions of RCW 71.05.200(1), 71.05.240, and 71.05.250, except that under the circumstances defined by RCW 10.77.090, the prosecuting attorney may be the petitioner.

(2) The probable cause hearing shall proceed as in other civil actions, except that the court, in its discretion, may dispense with opening statements and final arguments.

(3) The court shall be advised of any medications administered to the respondent within the prior 24-hour period, and if it appears that the person detained has refused medication 24 hours before the hearing, but was nevertheless forced to receive medication during that period, the court may continue the hearing for 24 hours, and may order that no medication shall be administered to the person detained during such period.

(4) At the conclusion of the hearing, the court shall make written findings of fact and conclusions of law, and enter an order for release or for detention for an additional 14 days in an evaluation and treatment facility, or such lesser treatment as shall to the court appear proper. A copy of the order shall be served upon the evaluation and treatment facility and on the mental health professional who signed the petition.

RULE 2.5
(Rescinded. See RCW 71.34.)

RULE 3.1
FIRST COURT APPEARANCE

For purposes of proceedings for 90-day commitment, the phrase "first court appearance" provided in RCW 71.05.310, shall refer to the appearance provided for in RCW 71.05.300 of that act.

RULE 3.2
PRELIMINARY APPEARANCE

Prior to the hearing provided for in RCW 71.05.320(2), the committed person shall be brought before the court for an appearance which shall be the same as that provided in RCW 71.05.300 of that act.

RULE 3.3
JURY DEMAND

(a) When Available. A jury is available only in a hearing for 90- or 180-day commitment proceedings pursuant to RCW 71.05.300 and RCW 71.05.320.

(b) Procedure for Demand. Within 2 judicial days after the person detained is advised in open court of his right to a jury trial as provided in RCW 71.05.300 the person detained may demand a trial by jury in the hearing on the petition for 90-day or 180-day detention by serving upon the prosecuting attorney a demand therefor in writing, by filing the demand therefor with the clerk. No jury fee shall be required. If no party, within the time above specified, serves and files a demand for jury trial, the matter shall be heard without a jury. If no party, within the time above specified, serves or files a demand that the matter be tried by a jury of 12, it shall be tried by a jury of 6 members, with concurrence of 5 being required to reach a verdict.

RULE 3.4
HEARING

(a) Procedure. The hearing shall be proceeded with as in any other civil action.

(b) Findings and Conclusions. Unless the matter is tried to a jury, the court shall make and enter findings of fact and conclusions of law.

(c) Verdict. If the matter is tried to a jury, the court shall instruct the jury to bring in a special verdict, which shall be in terms of the issues specified in RCW 71.05.320.

RULE 3.5
NOTICE OF RESTRICTIONS

A. Record of Notice Requirements. A record of the notice of ineligibility to possess a firearm required by RCW 9.41.047, RCW Chapter 71.05, RCW Chapter 71.34 and RCW Chapter 10.77 shall be made. Within three judicial days of entry of the order of commitment, the clerk of the court shall forward a copy of the Business & Professions Firearms Unit and to the National Instant Criminal Background Check System (NICS) either by mail or electronic means.

B. Form. The notice shall be in substantially the following form:

Superior Court of Washington
County of _____

In re the Detention of:

Petitioner,

No.

Notice of Ineligibility to
Possess a Firearm
(NTIPF)

and

Respondent.

Clerk's Action Required

To the Respondent:

You are hereby advised that the court committed you for mental health treatment under Chapter 71.05 RCW, Chapter 71.34 RCW, or Chapter 10.77 RCW.

You are required to immediately surrender any concealed pistol license. You may not possess a firearm until your right to do so has been restored by a court of record.

The information below has been filled in by the State based on available information.

The date of commitment:_____.

[] A copy of the Respondent's Driver's License or identicard is attached, or

Respondent's Last Name, First Name, Middle Name

List any Aliases:

Residential Address (Street) (City) (State) (Zip)

Date of Birth (month/date/year) Driver's License/ID Number

Race: Sex: Weight: Height:

Eyes: Hair: Court NCIC No.

Submit to: Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649 and to the National Instant Criminal Background Check System (NICS).

RULE 4.1
NOTICE OF CONDITIONS

Any person conditionally released pursuant to RCW 71.05.340 shall be notified in writing of the terms and conditions of the release and shall be notified in writing of any modifications of such terms and conditions. Such notification shall also be given in writing to the court which ordered the person's commitment.

RULE 4.2
AUTHORIZATION FOR APPREHENSION AND DETENTION

At the time of taking any person into custody for failure to adhere to the terms and conditions of release under RCW 71.05.340 or of an alternative treatment under RCW 71.05.320, an authorization for apprehension and detention shall be served upon the person. The authorization for apprehension and detention shall include:

- (a) The name of the person taken into custody;
- (b) A statement that it is issued pursuant to the suspension of conditional release or alternative treatment;
- (c) The date on which the order of commitment or order for alternative treatment was entered and the number of days, if any, for which the person was ordered committed.
- (d) The authorization shall be in substantially the following form:

TO: ANY PEACE OFFICER OR MENTAL HEALTH PROFESSIONAL

You are authorized to take or cause to be taken (name of person) into custody and place such person in (name and location of evaluation and treatment facility) for detention pursuant to ____ RCW 71.05.340 (suspension of conditional release) or ____ RCW 71.05.320 (suspension of alternative treatment). The named person was ____ conditionally released from an order of commitment or ____ originally placed on alternative treatment, the conditions of which have been violated. The named person's commitment to inpatient treatment or alternative treatment was originally ordered for (number) days by (name of court) on (date).

Date: _____ (signed) _____
_____, Secretary, Department of Social and
Health Services, State of Washington,
or His Designee,
_____, Mental Health Professional
(name) County, Washington

RULE 4.3
PETITION AND ORDER OF APPREHENSION
AND DETENTION--SERVICE

Unless otherwise ordered by the court, the petition and order of apprehension and detention required in RCW 71.05.340, shall be served on the person to be apprehended and detained at the time of apprehension, and on his guardian, if any, and his attorney, if any, as soon as possible.

Where no order of apprehension and detention has been issued, a petition shall be filed with the court within 72 hours and the person, his attorney, if any, and his guardian, if any, shall be served with a copy of the petition within 24 hours after the petition is filed with the court. At the time the petition is served on the person, notice shall be filed with the court and served on the person that a hearing will be held within 15 days.

RULE 4.4
PETITION FOR INITIAL DETENTION

A mental health professional may commence new proceedings for 72-hour detention pursuant to RCW 71.05.150, notwithstanding an order of less restrictive alternative treatment under RCW 71.05.320 or a grant of conditional release pursuant to RCW 71.05.340.

RULE 4.5
HEARING

(a) Burden of Proof. Before entering an order returning any person for involuntary treatment on an inpatient basis as a result of failure to adhere to the terms and conditions of conditional release pursuant to RCW 71.05.340 or less restrictive treatment under RCW 71.05.320, the court shall find at the hearing that there is clear, cogent, and convincing evidence that such person did not adhere to the terms and conditions of release or less restrictive treatment, that the terms of such release or treatment should not be modified, and that the person should be returned to inpatient treatment.

(b) Waiver. Waiver of the hearing provided for in RCW 71.05.340 shall be in writing signed by all persons required to waive under that section. A copy of the waiver shall be filed with the court in which the notice of apprehension and detention was filed.

RULE 5.1
GENERAL

Proceedings pursuant to RCW 71.05 shall be brought in the superior court of the county in which the person is being detained. The court, for good cause, may transfer a proceeding to the county of respondent's residence, or to the county in which the alleged conduct evidencing need for treatment occurred.

RULE 5.2
CONDITIONAL RELEASE HEARING

The notice of apprehension and detention and the petition for hearing required in RCW 71.05.340, shall be filed in the county ordering the commitment from which the person was conditionally released. Upon motion for good cause, the court may order the proceeding transferred to the court in the county in which the person was receiving outpatient care or the county of the person's residence.

RULE 5.3
RELEASE OF RECORDS

A proceeding for the release of records or files pursuant to RCW 71.05. 390 shall be in the court maintaining such records or files.

RULE 5.4
(RESERVED)

RULE 6.1
PETITION FOR INITIAL DETENTION

The petition for initial detention shall contain the following:

(a) Identification of the petitioner as a peace officer or designated mental health professional.

(b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioners attention.

(c) A statement that as a result of the petitioners personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.

(d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.05.

(e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.

(f) The date and the signature of the petitioner.

(g) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR () COUNTY

In re the Detention of:)
)

No.

Petitioner:)
and) PETITION FOR INITIAL
Respondent:) DETENTION
RCW _____

Pursuant to RCW 71.05 petitioner _____ a peace officer or _____ mental health professional designated by the county alleges under penalty of perjury that:

Respondent, _____, was brought to my attention under the following circumstances: _____

As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.

The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respondent should be detained for the purposes and under the authority of RCW 71.05 are: _____

Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour evaluation and treatment period, excluding Saturdays, Sundays, and holidays.

Dated this _____ day of _____, 19____.

Sworn and Subscribed on _____
Petitioner

Notary Public for the State of
Washington Residing at _____
My commission expires on _____

RULE 6.1A
PETITION FOR INITIAL DETENTION OF A MINOR

The petition for initial detention shall contain the following:

- (a) Identification of the petitioner as a designated mental health professional.
- (b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioners attention.
- (c) A statement that as a result of the petitioners personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.
- (d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.34.
- (e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.
- (f) A statement that voluntary admission for inpatient treatment is not possible.
- (g) The date and the signature of the petitioner.
- (h) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR (_____) COUNTY

In re the Detention of:)
No. _____
Petitioner:)
and) PETITION FOR INITIAL
Respondent:) DETENTION OF A MINOR
RCW 71.34.050

Pursuant to RCW 71.34 petitioner, a mental health professional designated by the county, alleges under penalty of perjury that:

Respondent, _____, was brought to my attention under the following circumstances: _____

As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm or that the respondent is gravely disabled.

The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respondent should be detained for the purposes and under the authority of RCW 71.34 are:

Voluntary admission is not possible. Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour evaluation and treatment period, excluding Saturdays, Sundays, and holidays.

Dated this _____ day of _____, 19____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

RULE 6.2
PETITION FOR FOURTEEN-DAY INVOLUNTARY TREATMENT

The petition for 14-day involuntary treatment shall contain the following:

(a) The name and address of the petitioner(s).

(b) The name of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to him/herself, others, or the property of others, or to be gravely disabled, and, if known to the petitioner, the address, age, sex, marital status and occupation of the person. Such person shall be denominated the respondent.

(c) The facts upon which the allegations of the petition are based.

(d) The name of every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to others or himself, or to be gravely disabled, and the address of each such person if known to the petitioner.

(e) A statement that the professional staff of the evaluation and treatment facility has examined and analyzed respondent's condition and finds that as a result of mental disorder respondent presents a likelihood of serious harm to himself or others or is gravely disabled.

(f) A statement that the respondent has been advised of the need for voluntary treatment and that the professional staff of the facility has evidence that he has not in good faith volunteered.

(g) A statement that the facility providing intensive treatment is certified to provide such treatment by the Department of Social and Health Services of the State of Washington.

(h) A statement that there is no less restrictive alternative to detention in the best interests of respondent or others, or that a less restrictive alternative is sought and a specification of what that alternative is.

(i) A demand that a probable cause hearing be held within 72 hours after provisional acceptance at the evaluation and treatment facility, excluding Saturdays, Sundays, and holidays, unless the person is sooner released, on the issue of whether the respondent shall be detained for an additional 14 days' involuntary treatment or whether such person shall be treated under less restrictive alternatives.

(j) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR (_____) COUNTY

In re the Detention of:) No.

)
)
) PETITION FOR FOURTEEN-
) DAY INVOLUNTARY
) TREATMENT
)
Respondent.) RCW _____

(Petitioner(s)), _____ mental health professional for _____
County, _____ member(s) of professional staff of _____
(agency or facility), _____ prosecuting attorney for _____

County pursuant to RCW 10.77.090, alleges that:

(Respondent), residing at (address) in (city or town), is a
_____ single _____ married _____ widowed _____ divorced _____ male _____ female
age _____. (Respondent's) occupation is _____

The professional staff of the evaluation agency or facility has
examined respondent's condition and finds that as a result of mental
disorder (respondent) presents:

_____ a likelihood of serious harm to him/herself,
_____ a likelihood of serious harm to others,
_____ a likelihood of serious harm to the property of others,
_____ is gravely disabled.

The facts upon which the allegations of this petition are based are as follows:

(use back of page if necessary)

The person(s) legally responsible for the care, support, and
maintenance of (respondent) and their relationship to him are, so far as
known to the petitioner, as follows: (Give names, addresses, and
relationship of persons named as respondents.)

(use back of page if necessary)

The respondent has been advised of the need for, but has not accepted
voluntary treatment.

The facility providing intensive treatment is certified to provide
such treatment by the Department of Social and Health Services.

The petitioner(s) request(s) that a hearing be held before (time and
date) unless the respondent is sooner released, to determine whether
(respondent) _____ shall be detained for 14 days' involuntary treatment
because there is no less restrictive alternative to detention in the best
interest of respondent or others, or _____ shall be required to comply with
the following less restrictive alternative:

Dated this _____ day of _____, 19____.

Petitioner _____ Physician _____ MHP _____ Prosecuting Attorney _____

Petitioner _____ Physician _____ MHP _____ Prosecuting Attorney _____

Address

Sworn and Subscribed on _____

Notary Public for the State of Washington

Residing at _____
My commission expires on _____

RULE 6.2A
PETITION FOR FOURTEEN-DAY COMMITMENT
OF MINORS

The petition for 14-day commitment of a minor shall contain the following:

(a) The names and addresses of the petitioners. The petitioners shall be two physicians or one physician and one mental health professional.

(b) The name, address, age, and sex of the respondent minor.

(c) The name, address and telephone number, if known, of every person believed by the petitioner to be legally responsible for the minor.

(d) A statement that the minor is or is not in detention at the time the petition is filed, and, if so, the name and location of the place of detention.

(e) A statement that the minor, as a result of mental disorder, presents a likelihood of serious harm to him/herself or others, or is gravely disabled.

(f) A statement that the minor has been advised of the need of voluntary treatment but has been unwilling or unable to consent to necessary treatment.

(g) The facts upon which the allegations of the petition are based.

(h) A statement concerning whether an alternative less restrictive than inpatient treatment is in the best interest of the minor.

(i) The name and location of the facility in which respondent will be detained and a statement that such facility is certified by the Department of Social and Health Services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders.

(j) A statement recommending the appropriate facility or facilities to provide the necessary treatment.

(k) A demand that a hearing be held to determine whether the minor shall be committed to inpatient treatment or whether an alternative less restrictive treatment exists.

(l) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR (_____) COUNTY

In re the Detention of:) No. _____
)
)
)
)
)
)
Respondent.) RCW 71.34.070

(Petitioners) are (physician) and (physician/mental health professional). Petitioners' addresses are _____

(Respondent), residing at (address) in (city or town), Washington, is a _____ male _____ female years of age.

The name, address and telephone number of every person believed by the petitioner to be legally responsible for the minor:

At the time of filing this petition, respondent _____ is _____ is not in detention pursuant to RCW 71.34. If respondent is in detention, the name and location of the facility in which respondent is in detention are _____.

Respondent, as a result of mental disorder, _____ presents a likelihood of serious harm to him/herself, _____ presents a likelihood of serious harm to others, _____ is gravely disabled.

That the minor has been advised of the need for voluntary treatment and is unwilling or unable to consent to necessary treatment.

The facts upon which the allegations of this petition are based are: _____

The following alternative courses of treatment have been considered:

No alternative less restrictive than detention is in the best interest of the respondent.

The facility in which respondent will be detained is (name and

location), certified by the Department of Social and Health Services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders.

Recommended treatment facilities: _____
Name _____

Address _____

The petitioner(s) request(s) that a hearing be held in the above named court to determine whether respondent shall be involuntarily committed to inpatient care or whether there shall be an alternative less restrictive treatment pursuant to RCW 71.34.

Dated this _____ day of _____, 19____.

Petitioner (MD)

Petitioner (MD/MHP)

Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

RULE 6.3

PETITION FOR NINETY-DAY INVOLUNTARY TREATMENT

The petition for 90-day involuntary treatment shall contain the following:

(a) The name and address of the petitioner.

(b) The name and address of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to him/herself or others because such person (1) has threatened, attempted, or inflicted physical harm upon the person of another or him/herself or substantial damage upon the property of another after having been taken into custody for evaluation and treatment, or (2) was taken into custody as a result of conduct in which he/she attempted or inflicted physical harm upon the person of another or him/herself, or (3) is gravely disabled, or (4) has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3) and has committed acts constituting a felony, and presents substantial likelihood of repeating similar acts. Such person shall be denominated the respondent.

(c) A statement that petitioner is the professional person in charge of the treatment facility in which the respondent is detained pursuant to court order or his professional designee, or the county mental health professional of (name) County.

(d) The name of the court ordering 14-day involuntary treatment or finding the respondent incompetent pursuant to RCW 10.77.090(3) and the date on which such order or finding was entered.

(e) A summary of the facts supporting the allegations of the petition.

(f) A demand that a hearing be held within 5 judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within 10 judicial days of the filing of the petition for 90-day treatment on the issue of whether the person alleged, as a result of mental disorder, to present a likelihood of serious harm, to himself or others, shall be detained for involuntary treatment for a period not to exceed 90 days.

(g) A statement that the petition is supported by accompanying affidavits and the names of the persons signing such affidavits.

(h) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR (_____) COUNTY

In re the Detention of:)
)
)
)
)
Respondent.)
)

No. _____

PETITION FOR NINETY-DAY
INVOLUNTARY TREATMENT

RCW _____

(Petitioner), _____ the professional person in charge, or _____ his professional designee, or _____ the county mental health professional for (name) county, of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:

(Respondent), residing at (address) in (city or town), is a
single ___ married ___ widowed ___ divorced ___ male ___ female
age ____.

As a result of mental disorder (respondent) presents a likelihood of serious harm to him/herself or others because respondent ___ has threatened, attempted, or inflicted physical harm upon the person of another or him/herself or substantial damage upon the property of another after having been taken into custody for evaluation and treatment, or ___ was taken into custody as a result of conduct in which respondent threatened, attempted or inflicted physical harm upon the person of another or him/herself, or ___ is gravely disabled, or ___ has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3), and has committed acts constituting a felony, and as a result of mental disorder, presents a substantial likelihood of repeating similar acts.

The facts upon which the allegations of this petition are based are summarized as follows: _____

_____ The allegations are supported by the accompanying affidavits signed by _____.

The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 90 days.

Dated this _____ day of _____, 19 ____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

RULE 6.4
PETITION FOR ONE HUNDRED EIGHTY-DAY
INVOLUNTARY TREATMENT

The petition for 180-day involuntary treatment shall contain the following:

(a) The name and address of the person filing the petition and the statement that the petitioner is the superintendent or professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.

(b) The name and address of the person alleged, as a result of a mental disorder, to present a likelihood of serious harm to others because such person (1) during his/her current period of court ordered treatment has threatened, attempted or actually inflicted physical harm on another or substantial damage upon the property of another, or (2) was taken into custody as a result of conduct in which he/she attempted or inflicted serious physical harm upon the person of another and continues to present, as a result of mental disorder, a likelihood of serious harm to others, or (3) is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or (4) continues to be gravely disabled. Such person shall be denominated the respondent.

(c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.

(d) A summary of the facts supporting the allegations of the petition.

(e) A demand that a hearing be held within 5 judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within 10 judicial days of the filing of the petition for 180-day treatment on the issue of whether the person alleged, as a result of mental disorder, to present a likelihood of serious harm to others, shall be detained for involuntary treatment for a period not to exceed 180 days.

(f) A statement that a form of treatment less restrictive than involuntary detention is not in the best interest of the respondent or others.

(g) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR () COUNTY

In re the Detention of:) No. _____
)
) PETITION FOR ONE HUNDRED
) EIGHTY-DAY INVOLUNTARY
) TREATMENT
)
Respondent.) RCW _____

(Petitioner), the superintendent or professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:

(Respondent), residing at (address) in (city or town), is a
_____ single _____ married _____ widowed _____ divorced _____ male _____ female
age _____.

(Respondent) _____ has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and as a result of mental disorder presents a likelihood of serious harm to others, or _____ was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or _____ is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or _____ continues to be gravely disabled.

The facts upon which the allegations of this petition are based are as follows: _____

_____ A form of treatment less restrictive than involuntary detention is not in the best interest of the respondent or others.

The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 180 days.

Dated this _____ day of _____, 19____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

RULE 6.4A
PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY
TREATMENT OF A MINOR

The petition for 180-day involuntary treatment of a minor shall contain the following:

(a) The name and address of the person filing the petition and the statement that the petitioner is the professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others or is gravely disabled, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.

(b) The name and address and age of the minor alleged, as a result of a mental disorder, to present a likelihood of serious harm to him/herself, others, or property or continues to be disabled. Such minor shall be denominated the respondent.

(c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.

(d) A summary of the facts supporting the allegations of the petition.

(e) A demand that a hearing be held within 7 days of the filing of the petition for 180-day treatment on the issue of whether the minor alleged, as a result of mental disorder, to present a likelihood of serious harm or is gravely disabled, shall be detained for involuntary treatment for a period not to exceed 180 days.

(f) A statement that the minor is in need of further treatment that can

only be provided in a 180-day commitment and this treatment is in the minors best interests.

(g) A statement that less restrictive alternative treatment is/is not available and/or appropriate.

(h) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist.

(i) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR () COUNTY

In re the Detention of:) No. _____
)
) PETITION FOR ONE HUNDRED
) EIGHTY-DAY INVOLUNTARY
) TREATMENT OF A MINOR
)
Respondent.) RCW 71.34.090

(Petitioner), professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:

(Respondent), residing at (address) in (city or town), is a
____ single ____ married ____ widowed ____ divorced ____ male ____ female
age ____.

(Respondent) ____ presents a likelihood of serious harm to him/herself or ____ presents a likelihood of serious harm to others or ____ presents a likelihood of serious harm to property or ____ is gravely disabled.

(Respondent) ____ has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and a s result of mental disorder presents a likelihood of serious harm to other, or ____ was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or ____ is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or ____ continues to be gravely disabled.

Summary of facts supporting the petition: _____

_____ A form of treatment less restrictive than involuntary detention
_____ is or ____ is not in the best interest of the respondent or others.
_____ The petitioner requests that a hearing be held to determine whether
(respondent) shall be detained for involuntary treatment for a period not
to exceed 180 days.

Dated this _____ day of _____, 19____.

Petitioner (MD)

Petitioner (MD/MHP)

Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

RULE 6.5
PETITION FOR REVOCATION OF CONDITIONAL RELEASE
OR LESS RESTRICTIVE TREATMENT

The petition for revocation of conditional release or less restrictive treatment shall contain the following:

(a) The name and address of the petitioner and the statement that petitioner is the Secretary of the Department of Social and Health Services, State of Washington, or is the county mental health professional for (name) County.

(b) The name and address of the person alleged to have failed to adhere to the terms and conditions of release or less restrictive treatment. Such person shall be denominated the respondent.

(c) The facts upon which the allegations of the petition are based.

(g) The petition shall be in substantially the following form, with a copy of the terms and conditions attached:

SUPERIOR COURT OF WASHINGTON
FOR () COUNTY

In re the Detention of:) No. _____
)
) PETITION FOR REVOCATION
) OF CONDITIONAL RELEASE
Respondent.) RCW

The facts upon which the allegations of this petition are based are as follows:

Dated this day of , 19 .

Petitioner

Sworn and Subscribed on

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

RULE 6.5A
PETITION FOR REVOCATION OF CONDITIONAL RELEASE
OR LESS RESTRICTIVE TREATMENT OF A MINOR

The petition for revocation of conditional release or less restrictive treatment shall contain the following:

- (a) The name and address of the petitioner and the statement that petitioner is the Secretary of the Department of Social and Health Services, State of Washington, or is the county mental health professional for (name) County.
- (b) The name and address of the person alleged to have failed to adhere to the terms and conditions of release or less restrictive treatment or whose functioning has substantially deteriorated. Such person shall be denominated the respondent.
- (c) The facts upon which the allegations of the petition are based.
- (d) A statement that the respondent was released under terms and conditions of a court ordered less restrictive treatment or under terms and conditions set by an evaluation and treatment facility, and that a copy of the terms and conditions is attached to the petition, or that substantial deterioration of the minors functioning has occurred. The statement shall also contain the date the order was entered, number of days for which effective, and the court entering such order.
- (e) The date, time and place of detention of the respondent if he/she is detained pursuant to an order of the secretary, or whether such an order has been or will be issued.
- (f) A demand that a hearing be held within 7 days of the date on which respondent was detained.
- (g) The petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation.
- (h) The petition shall be in substantially the following form, with a copy of the terms and conditions attached:

SUPERIOR COURT OF WASHINGTON
FOR () COUNTY

In re the Detention of:)	No. _____
)	
)	PETITION FOR REVOCATION
)	OF CONDITIONAL RELEASE
)	OR LESS RESTRICTIVE
)	ALTERNATIVE TREATMENT
)	
Respondent.)	RCW 71.34.110

(Petitioner), _____ Secretary of the Department of Social and Health Services, State of Washington, or _____ county mental health professional for (name) County alleges that:

(Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.

Pursuant to an order of (name) court entered on (date), respondent was detained for involuntary treatment for a period not to exceed (number) days in (name of facility), or was placed on less restrictive alternative treatment.

(Respondent) was conditionally released from inpatient care at (name of facility) prior to expiration of the court ordered period of detention, under terms and conditions for such release copies of which, including modifications, are attached and were filed in (name) court on (date(s)) or _____ respondent was placed on less restrictive treatment under terms and conditions copies of which, including modifications, are attached.

During the period of conditional release or less restrictive treatment, respondent was receiving outpatient care from (name of facility) located in (city or town), (name) County.

Pursuant to RCW _____, petitioner _____ has _____ has not issued an order for the apprehension and detention of respondent and respondent _____ is not detained _____ is detained in (name of facility) located in (city or town), (name) County.

(Respondent) has failed to adhere to the terms and conditions of respondent's release from involuntary detention or less restrictive alternative treatment, the minors routine functioning has substantially deteriorated and _____ the conditions of release or less restrictive treatment should be modified or _____ the person should be placed in an involuntary treatment facility.

The facts upon which the allegations of this petition are based are as follows: _____

_____ The petitioner requests that a hearing be held to determine whether

respondent has failed to adhere to the terms and conditions of release or less restrictive treatment, or whether the minors routine functioning has substantially deteriorated, and whether the respondent shall be placed on involuntary treatment on an inpatient basis or whether the terms and conditions of release or less restrictive treatment shall be modified.

Dated this _____ day of _____, 19____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

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